Cotton Transport

1951. **File No.** II/51 (N)

Legal Department

B. **BRANCH**

Subject:— Notifications under the Cotton Transport Act, 1923

P.2/E

File No. Cotton Transport II/51 (N)

Gen. 194 a.

6058

Office of the R.L.A.

The draft notification at page 215 ante .- The Cotton Transport Act, 1923(III of 1923) has already been extended to all the merged States in the State of Bombay under section 3 of the Bombay Merged States (Laws) Act, 1950 read with the Second Schedule thereof. The draft notification at page 215 is, therefore, not nenessary nor is it valid.

2. Draft notifications at pages 219, 223 and 235 ante .- A ll these three draft notifications are not consistent with the provisions of section 3(1) of Cotton Transport Act, 1923, in so far as they prohibit.

(1) export of cotton to protected areas,

(2) import and export by air, and

(3) booking ofsuch cotton.

Section 3(1) of the Act does not provide for prohibiting the export of cotton. It does not provide for prohibiting the import or export by air. The provisions regarding booking of cotton also do not appear in sub-section (2) of section 3. All these three draft notifications are, therefore, revised so as to make them consistent with the provisions of section 3 of the Act; and revised drafts thereof are sent herewith. The draft notifications at pages 219 and 223 should not be combined as suggested by the Assistant Secretary, Agriculture and Forests Department, for the reasons that railway stations which are to be specified would be different in different protected areas. For the same reasons the draft notification at page 235 has been split up into three notifications.

3. The draft notification at page 253 ante .- A preliminary notification under section 3(1) of the Bombay Cotton Control Act, 1942, was issued under Government notification, Revenue Department No. 1740

dated 12th May 1948 in respect of certain varieties of cotton in the Bijapur District. Now it is proposed to add more varities to the said varieties as so notified and also to extend the scope of the notification by adding more areas. If so, it is advisable to issue a fresh preliminary notification under section 3(1) of the Act including the matter notified under G.N., R.D.No. 1740, dated 12th May 1943 . Even this notification in respect of the Bijapur District has not been validly issued as the provisions of sub-section (4) ofsection 3 of the Act which are of a mandatory character have been ignored by the Department.

The procedure prescribed in clause (b) of sub-section (1) of section 3 of the Act also requires to be strictly followed in this case.

Sd/-J.R.Dhurandhar.
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Remembrancer of Legal Affairs.

U.R. to A. & F.D. No. 9581 dated the 18th June 1951.

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